

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TENNESSEE  
EASTERN DIVISION**

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CLERK U.S. DISTRICT COURT  
W.D. OF TN JACKSON

**TONY LUSBY,**

**Plaintiff,**

**v.**

**THE PROCTER & GAMBLE  
MANUFACTURING COMPANY, a  
CORPORATION,**

**Defendants.**

**NO. 03-1170T/An**

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**ORDER GRANTING MOTION TO COMPEL**

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Before the Court is Defendant's Renewed Motion to Compel Plaintiff to Amend Discovery Responses filed on June 10, 2005. For the reasons set forth below, the Motion is **GRANTED.**

Rule 37 of the Federal Rules of Civil Procedure states that if a party fails to adequately respond to an interrogatory under Rule 33, "the discovering party may move for an order compelling [a supplemental] answer." Fed. R. Civ. P. 37(a)(2). "[A]n evasive or incomplete disclosure, answer, or response is to be treated as a failure to disclose, answer, or respond." Fed. R. Civ. P. 37(a)(3). The Rule requires that "each interrogatory shall be answered separately and fully." Fed. R. Civ. P. 33(b)(1). The Defendant has filed this Motion to renew its Motion to Compel that was filed on April 26 of this year. Specifically, Defendant is seeking to compel Plaintiff to completely and fully answer its First Set of Interrogatories and to properly execute and produce medical releases for all physicians, psychiatrists, psychologists, counselors, nurses, or other healthcare practitioners or professionals by whom he has been treated or examined since

“Failure to timely respond to any motion, other than one requesting dismissal of a claim or action, may be deemed good grounds for granting the motion.” Local Rule 7.2(a)(2).

For good cause shown and because Plaintiff failed to respond to the Motion as required by the Local Rules, Defendant’s Motion to Compel is **GRANTED**. Plaintiff shall have eleven (11) days from entry of this Order to supplement its responses and provide complete responses to Defendant’s First Set of Interrogatories.<sup>1</sup> Defendant may submit an affidavit setting forth the amount of expenses and fees incurred due to the preparation and filing of this Motion within fifteen (15) days from entry of this Order. If Defendant does file an affidavit setting forth the amount of fees and expenses sought, Plaintiff shall have fifteen (15) days to file a response in opposition to an award of fees and expenses.

**IT IS SO ORDERED.**

  
S. THOMAS ANDERSON  
UNITED STATES MAGISTRATE JUDGE

Date: November 1, 2005

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<sup>1</sup> In its Motion, Defendant requests that Plaintiff supplement responses to the following Interrogatories: Nos. 1, 2, 4, 5, 8, 9, 10, 11, 14.



## Notice of Distribution

This notice confirms a copy of the document docketed as number 112 in case 1:03-CV-01170 was distributed by fax, mail, or direct printing on November 4, 2005 to the parties listed.

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Honorable James Todd  
US DISTRICT COURT